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Human Rights Council
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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Austria,* Belgium, Bulgaria,* Croatia,* Czechia,* Denmark,* Estonia,* Finland,* France, Germany, Ireland,* Italy,* Latvia, Lithuania,* Luxembourg,* Netherlands, Poland,* Portugal, Romania,* Slovenia, Sweden,* United Kingdom of Great Britain and Northern Ireland: draft resolution

33/... Human rights situation in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014 and 30/18 of 2 October 2015,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Recognizing that the promotion and the protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

Welcoming the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the

* State not a member of the Human Rights Council

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recommendations made in the outcome document of the National Dialogue Conference, and to complete the drafting of a new Constitution,

Welcoming also the results of the meeting of Yemeni political parties in Riyadh on 17 May 2015 and their commitments to find a political solution of the conflict in Yemen on the basis of the Gulf Cooperation Council initiative, the outcomes of the National Dialogue Conference and Security Council resolution 2216 (2015), and the efforts of the Secretary-General and of his Special Envoy for Yemen,

Welcoming further the positive engagement of the Government of Yemen in the Kuwait peace talks and its acceptance of the road map presented by the Special Envoy of the Secretary-General for Yemen, and encouraging it to continue its efforts to realize peace and stability in Yemen,

Recalling its calls for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights,

Noting the release of the preliminary detailed report by the national independent commission of inquiry in August 2016, and welcoming the extension of the mandate of the commission of inquiry for a year by Presidential Decree No. 97 of 24 August 2016 in order to accomplish its mandate,

Welcoming the willingness of the commission of inquiry to continue to work towards the completion of its task intensively during the specified period, in accordance with Presidential Decree No. 97,

Noting with concern the assessment of the High Commissioner on the level of cooperation between the Office of the High Commissioner and the commission of inquiry,

Aware of reports of the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen,[1] and of the debate held during the thirty-third session of the Human Rights Council;

2. *Expresses deep concern* at the serious abuses and violations of international human rights law and international humanitarian law in Yemen, including, contrary to international treaties, the continued recruitment of children, the abduction of political activists, violations against journalists, the killing of civilians, the bombing of markets and other civilian infrastructures, the prevention of access by relief and humanitarian aid, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

3. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law, to stop immediately attacks on civilians and to ensure humanitarian access to the affected population nationwide, and also to facilitate the restoration of adequate import levels of basic humanitarian goods and services;

4. *Calls upon* the Government to take further measures to protect civilians, and to take appropriate measures to ensure the continuity of effective investigation by the national independent commission of inquiry, in order to end impunity in all cases of

[1] A/HRC/33/38

violations and abuses of human rights and international humanitarian law, including cases of violence against journalists and the detention of journalists and political activists;

5. *Calls upon* all parties to the conflict in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights and contains specific concerns, and places particular demands on Saleh and Houthi militias to release political prisoners and journalists and to engage in the political process in an inclusive, peaceful and democratic way, ensuring that women are part of the political and peacemaking process, and also calls upon all parties to sign the road map presented by the Special Envoy of the Secretary-General for Yemen;

6. *Demands* that all parties to the conflict end the recruitment and use of children, and attacks on schools, and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[2]

7. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, the Convention on the Rights of Persons with Disabilities, and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

8. *Expresses deep concern* at the deteriorating human rights situation in Yemen, expresses its appreciation to donor States and organizations working on improving the humanitarian situation, and calls upon the international community to provide financial support for the Yemen humanitarian response plan for 2016, and to fulfil their pledges to the relevant United Nations humanitarian appeal;

9. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Requests* the Office of the High Commissioner to dispatch a mission, with assistance from relevant experts, to monitor and report on the situation of human rights in Yemen, on violations and abuses thereof since September 2014, and to collect and preserve information in order to establish the facts and circumstances of such violations and abuses, and to provide an oral update to the Human Rights Council at its thirty-fourth session on its findings and to submit a report to the Council at its thirty-sixth session;

11. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as requested by the Government and in accordance with Human Rights Council resolution 30/18, in the field of capacity-building and

[2] A/70/836–S/2016/360.

accountability, and to identify additional areas of assistance, to help enable Yemen to fulfil its human rights obligations, and specifically requests the Office of the High Commissioner in Yemen to continue to assist and monitor the national independent commission of inquiry in meeting its work in accordance with its international obligations, as mandated in Presidential Decree No. 140/2012.